

REMARKS

Reconsideration and further examination of this application is hereby requested. Claims 10-15, 17-20, 22, 24-25, 34-36, 38, 47, 50, and 58-66 are currently pending in the application. Claims 12-15, 17-18, 24-25, 34-36, 38, and 47 have been amended. Claims 16, 21, 23, 26-33, 37, 39-46, 48-49, and 51-57 have been canceled. Claims 10-11 and 58-66 remain withdrawn from consideration as being drawn to non-elected inventions.

Claim Rejections - 35 USC 112

All of the claims were rejected under the first paragraph of 35 USC 112 as failing to comply with the written description requirement.

As to the “not at every beat” limitation objected to in the Final Office action, Applicant submits that the present amendment has removed this term from the claims and that the basis for this rejection is thus no longer applicable.

As to the “oxygen consumption” limitation objected to in the Final Office action, Applicant submits that the present amendment has removed this term from the claims and that the basis for this rejection is thus no longer applicable.

As to the “reducing contraction force” limitation objected to in the Final Office action, Applicant submits that the present amendment has removed this term from the claims and that the basis for this rejection is thus no longer applicable.

As to the “root locations” limitation objected to in the Final Office action, Applicant submits that the present amendment has removed this term from the claims and that the basis for this rejection is thus no longer applicable.

As to the “healing after infarct” limitation objected to in the Final Office action, Applicant submits that the present amendment has removed this term from the claims and that the basis for this rejection is thus no longer applicable.

As to the “HCM” limitation objected to in the Final Office action, Applicant submits that the present amendment has removed this term from the claims and that the basis for this rejection is thus no longer applicable.

As to the “ischemia” limitation objected to in the Final Office action, Applicant submits that the present amendment has removed this term from the claims and that the basis for this rejection is thus no longer applicable.

In view of the amendments, Applicant respectfully requests reconsideration and withdrawal of the written description rejections.

Interference

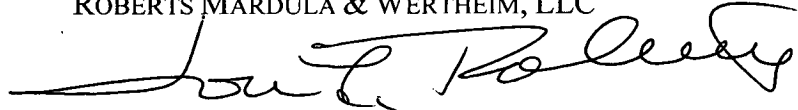
Applicant herein resubmits the Request for Interference under the new rules of 37 CFR 41.202.

Conclusion

For the above reasons, Applicant respectfully requests reconsideration and submits that it is appropriate for the Examiner to declare an interference between the present application and U.S. Patent Nos. 6,233,484, 6,330,476, and 6,317,631. Early notice of such is respectfully requested.

Respectfully submitted,

ROBERTS MARDULA & WERTHEIM, LLC

A handwritten signature in black ink, appearing to read "Jon Roberts", is written over the printed name of Jon Roberts.

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